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OFFICE OF PETITIONS

In re Application of
Caplan, et al.
Application No.: 10/697,907
Filed: October 29, 2003
Attorney Docket No.: ISAA0025
For: METHOD AND APPARATUS FOR
CREATING AND EVALUATING STRATEGIES

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the third reconsideration petition under 37 CFR 1.47(a), filed February 24, 2005.

The petition is granted.

Petitioners have shown that the non-signing inventors, Sullivan, Perlis, Shikaloff, and Thaker, have constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts by Rhonda Dunn, the patent administrator for the non-signers' former employee, explains that non-signing joint inventor Gary Sullivan received multiple copies of the above-identified application and declaration for the above-identified application, but he did not respond to the many requests that he sign the declaration for patent application. The statement of facts of Attorney Michael A. Glenn and accompanying exhibits establish that the three other non-signing inventors, John Perlis, Nina Shikaloff, and Aush Thaker, refused to review the declaration and application papers, let alone sign the declaration, unless certain demands were met. Their attorney, William M. Scherer, returned the unread application papers and declaration on his clients' behalf. The evidence presented shows that the inventors were given the opportunity to review the application papers, but declined to do so. They have constructively refused to join in the filing of the application. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center GAU 3623 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
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Office of Petitions